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# كشف الالتباس

## عن حكم القتال في صف حماس

**Clarifying the Ambiguity Concerning the Ruling on Fighting in the Ranks of Hamas**

**Written by:**
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**-may Allah accept him-**

All praise is to Allah alone, and prayers and peace be upon the one after whom there is no prophet, to proceed:

Allah subhanahu wa ta'ala said: **{And fight them until there is no fitnah and [until] the religion, all of it, is for Allah. And if they cease - then indeed, Allah is Seeing of what they do.} [Al-Baqarah 193]. And He said: {And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, "Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?"}** [An-Nisa' 75]

The point of evidence: That jihad is a means distinguished by the loftiness of its objectives. The first objective for it is fighting in the cause of Allah to elevate His word on earth, then achieving justice and supporting the oppressed among the Muslims in the east and west of the world. Thus, its sole purpose is spreading Tawhid, and other objectives besides Tawhid are subsidiary to it, as an act of worship to Allah azza wa jall.

And the banners are the goals and objectives, which are:

**A banner in the cause of Allah**: On the authority of Abu Musa (radi Allahu anhu) that a Bedouin came to the Prophet ﷺ and said: **"O Messenger of Allah, a man fights for war spoils, a man fights so that he may be mentioned, and a man fights to show his position—and in a narration: fights bravely, and fights out of fervor, and in another narration: and fights out of anger—so who is in the cause of Allah?" The Messenger of Allah ﷺ said: "Whoever fights so that the word of Allah may be supreme is in the cause of Allah."** Agreed upon.

The point of evidence: That the Prophet ﷺ established for us the legal criterion for the meaning of jihad in the cause of Allah, which is: whoever fights so that the word of Allah may be supreme by spreading Tawhid and implementing the Sharia of Allah. Its basis is that it is under the banner of the Imam of the Muslims, whether he is righteous or sinful. Jihad, therefore, is the exertion of effort and hardship by the Muslims in fighting the stubborn, warring disbelievers, apostates, rebels, and the like, to elevate the word of Allah subhanahu wa ta'ala. So every jihad that has this as its purpose and goal is in the cause of Allah, and everything else is fighting of Jahiliyyah.

**A banner of Jahiliyyah**:
It is every false banner whose original goal is not to elevate the word of Allah and in which the path of guidance is not distinguished from the path of misguidance. Allah subhanahu wa ta'ala said: **{And whoever is blind in this [world] will be blind in the Hereafter and more astray in way.}** [Al-Isra' 72]
**The fighting of Jahiliyyah is divided into two types:**

1 - Fighting that is disbelief, shirk, and apostasy:
Its criterion is that the fighting is in the cause of the Taghut and in support of it. Allah subhanahu wa ta'ala said: **{Those who believe fight in the cause of Allah, and those who disbelieve fight in the cause of Taghut. So fight against the allies of Shaytan. Indeed, the plot of Shaytan has ever been weak.}** [An-Nisa' 76]

2 - Fighting that is sinful and forbidden:
On the authority of Jundub bin Abdullah Al-Bajali (radi Allahu anhu) who said: The Messenger of Allah ﷺ said: **"Whoever is killed under a banner of ignorance, calling to tribalism or supporting tribalism, then his death is a death of Jahiliyyah"** -Sahih Muslim.

And on the authority of Abu Hurairah (radi Allahu anhu) that the Prophet ﷺ said: **"Whoever rebels against obedience (to the Imam), abandons the Jama'a and then dies, has died a death of Jahiliyyah. And whoever fights under the banner of one who is blind (to the truth), getting angry for the sake of tribalism, or calling to tribalism, or supporting tribalism, and is killed, then his death is a death of Jahiliyyah. And whoever rebels against my Ummah, striking its righteous and its wicked alike, and does not spare the**

**believers among them, and does not fulfill the covenant of those under a treaty, then he is not from me and I am not from him."** -Reported by Muslim.

The point of evidence: That whoever dies like the death of the people of Jahiliyyah—in that they were in chaos without an Imam—by rebelling against the Jama'a of the Muslims, splitting their ranks and dividing their unity, or fighting them without a valid interpretation, and whoever fights under a banner whose matter is vague, its face not clear, such as a people fighting for tribalism and clannishness—getting angry for a faction, or calling to a faction, or supporting a faction—its meaning is that he fights for the desire of his own soul and out of its anger, and in defence of his people and their whims, not worshipping Allah in that. For the praised fervor is the fervor that follows a clear, monotheistic banner.

There is no harm in naming every banner that is not in the cause of Allah as a banner of Jahiliyyah, for it came in Sahih Muslim on the authority of Jabir (radi Allahu anhuma) who said: "We were with the Prophet ﷺ on an expedition when a man from the Muhajireen pushed a man from the Ansar from behind. So the Ansari said, 'O Ansar! (Help me!)' and the Muhajir said, 'O Muhajireen! (Help me!)' So the Messenger of Allah ﷺ said, **'What is this call of Jahiliyyah?'** They said, 'O Messenger of Allah, a man from the Muhajireen pushed a man from the Ansar from behind.' So he ﷺ said, **'Leave it, for it is odious.'"**

The point of evidence: If the legal description is established for an incident that happened among the best of creation, the companions of the Prophet ﷺ, who were praised in the Qur'an. Allah subhanahu wa ta'ala said: **{And the first forerunners [in the faith] among the Muhajireen and the Ansar and those who followed them with good conduct - Allah is pleased with them and they are pleased with Him, and He has prepared for them gardens beneath which rivers flow, wherein they will abide forever. That is the great attainment.}** [At-Tawbah 100]. And despite this, when the banner and the goal became tribalism for other than the truth, the Prophet ﷺ called it (the call of Jahiliyyah).

It is necessary to differentiate between the rulings of this world and the rulings of the Akhirah. For he is absolved from the disobedience towards Allah everyone who disavows fighting under a blind banner; he has distanced himself by his disavowal from the call of tribalism and has distanced himself from supporting the Taghut and from gathering upon a heretical principle of thetate group.

Whoever fights for the sake of his religion, his honor, his wealth, his life, and his land is safe from the banner of jahiliyyah, because he has a goal, and having an upright goal is a quality which the Shari'ah encourages and called its people martyrs'. On the authority of Sa'id bin Zaid, that the Prophet ﷺ said: **"Whoever is killed defending his wealth is a martyr; whoever is killed defending his family, or his blood (life), or his religion is a martyr."** -Reported by Abu Dawud, At-Tirmidhi, An-Nasa'i, and Ahmad.

And this matter is up to Allah, as long as the apparent, declared banner is a blind one of Jahiliyyah. If he is killed, he will be resurrected according to his aim and his intention, and what his heart was resolved upon when he went out to fight for the cause. On the authority of Aisha (radi Allahu anha) who said: The Messenger of Allah ﷺ said: **"An army will attack the Ka'bah. When they are at Baida' (a desert place), they will be swallowed up, the first of them and the last of them." She said: I said: O Messenger of Allah, how will they be swallowed up, the first of them and the last of them, and among them are their marketplaces and those who are not of them?! He said: "They will be swallowed up, the first of them and the last of them, then they will be resurrected according to their intentions."** -Agreed upon, and this is the wording of Al-Bukhari.

It is necessary for the Mufti, who is stationed at the frontier of clarifying Allah's ruling, to understand the Shari'ah objectives and the correct balancing (of interests) when the need necessitates it. In an incident like this, it is necessary to apply the principle of choosing the better of two goods and the lesser of two evils.

Shaykh al-Islam, may Allah have mercy on him, said in Al-Fatawa 10/512: "And similarly, it is from wara' [conscientiousness] to have precaution by doing what one is unsure of its obligation, but only in such condition. The completeness of 'wara" is that a person is encompassed by the better of two goods and the lesser of two evils, yet he knows that the Shari'ah is built upon achieving interests and perfecting them, and nullifying evils and reducing them. Otherwise, whoever does not balance the Shari'ah interest and evil contained in an action and its abandonment, may abandon obligations and commit prohibitions, and see that as wara'—like the one who abandons jihad with the oppressive rulers and sees that as wara', and abandons the Friday prayer and the congregational prayer behind Imams who have innovation or immorality in them and sees that as wara', and refuses to accept the testimony of a truthful person and take the knowledge of a scholar due to some hidden innovation in him, and sees refusing to accept and listen to this truth—which must be listened to—as wara'."

**In summary:**

Whoever is unable to join the ranks of the Mujahideen from the victorious group, may Allah grant them honor, then repelling the attacking enemy from the sanctities of the oppressed Muslims—their homes, their blood, and their honor—is an individual obligation upon those who are capable, in all circumstances, without entering under a banner of ignorance and under the authority of an apostate army. Because fighting under their banner is an apparent, nullifier of Islam (mukaffir) which is forbidden for a servant to plunge himself into, thus destroying himself in ruin, as long as he has a way to avoid it.

Allah subhanahu wa ta'ala said: **{And what is [the matter] with you that you fight not in the cause of Allah and [for] the oppressed among men, women, and children who say, "Our Lord, take us out of this city of oppressive people and appoint for us from Yourself a protector and appoint for us from Yourself a helper?"}** [An-Nisa' 75]

If the lawful means are absent, then it is incumbent upon every legally responsible and capable Muslim man to repel the enemy individually or in a small group from the people of the Sunnah and the Jama'ah, as a matter of religious duty. Even if he is compelled to be under that blind banner outwardly, and despite the fact that the land behind him is not ruled by the law of Allah, because the Jews have violated sanctities and the holy sites. And the rule of Allah is coming, whether anyone wills or refuses it. This is the promise of Allah, and Allah will never break His promise. Allah subhanahu wa ta'ala said: **{Allah has promised those who have believed among you and done righteous deeds that He will surely grant them succession [to authority] upon the earth just as He granted it to those before them and that He will surely establish for them their religion which He has preferred for them and that He will surely substitute for them, after their fear, security: [They will] worship Me, not associating anything with Me. But whoever disbelieves after that - then those are the defiantly disobedient.}** [An-Nur 55]

The servant among us is tasked with his own self, and is not tasked with achieving the results or witnessing them himself. It is sufficient that he offers (his effort) sincerely for Allah with a sound aqida, and he dissociates himself before Allah from the disbelief of these Jews and the disbelief of those Ikhwanjis who have become like the Shia. Allah subhanahu wa ta'ala said: **{So fight, [O Muhammad], in the cause of Allah; you are not held responsible except for yourself. And encourage the believers [to join you] that perhaps Allah will restrain the [military] might of those who disbelieve. And Allah is greater in might and stronger in punishment.}** [An-Nisa' 84]

With emphasis on striving not to attribute that action of his to the apostates behind him, for in that is polishing falsehood and deception for the simple-minded among the laymen of Ahlus-Sunnah.

**And Allah is the Most High and knows best.**